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**PLAN AMENDMENT PROCEDURES**

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**1-08.0.0 PLAN AMENDMENT PROCEDURES.**

**1-08.1.0 PURPOSE.** This Standard is established to provide supporting information to the amendment procedures, as currently adopted in the Tucson *Land Use Code (LUC)*, for subregional, area, and neighborhood plans. This Standard is specifically established to assist applicants when a plan amendment is required, prior to pursuing a rezoning application for a piece of property.

**1-08.2.0 SCOPE.** This Standard generally applies to any rezoning request that does not conform with adopted land use plans.

**1-08.3.0 DEFINITIONS.** Definitions for words used in this Standard are found in the Development Standards Glossary or in Sec. 6.2.0 of the *LUC*.

**1-08.4.0 APPLICABLE REQUIREMENTS.** The *LUC*, under Sec. 5.4.2.2, Type II 5.4.1, General Legislative Procedures, and Sec. 5.4.2.3, Type III Legislative Procedure, requires that rezoning applications be in compliance with applicable subregional, area, and neighborhood plan policies; otherwise, the rezoning application cannot be accepted. Should the rezoning request not be in compliance, then the rezoning application must be amended to be in compliance, or an application must be submitted requesting the amendment of the conceptual land use map and/or identified plan policies. Plan amendments are processed in accordance with Sec. 5.4.2.1, Type I 5.4.2 Planning Commission Legislative Procedure, of the *LUC*.

~~Rezoning applications not in compliance with applicable plan policies cannot be accepted for processing because rezonings have specific timetables. A rezoning request must be heard in public hearing within seventy (70) days of acceptance of the application. This timetable does not allow adequate time for the plan amendment to be processed and a decision issued prior to the rezoning public hearing. In addition, both staff and the Zoning Examiner make recommendations on rezoning requests based on the direction given by Mayor and Council on the plan amendment.~~

**Note:** The *LUC*, under Sec. 5.4.1.3.A ~~5.4.2.1.C~~, establishes a minimum period of two (2) years after plan adoption before staff can accept an amendment request. However, Mayor and Council may consider a request for a plan amendment within this two (2) year period and direct staff to accept such a request.

#### 1-08.5.0 PLAN AMENDMENT DETERMINATION.

5.1 Requirement for a Plan Amendment. Rezoning applications must be in conformance with adopted plan policies before a rezoning application can be accepted for processing. There are three (3) basic ways in which ~~a determination~~ it is determined that a plan amendment is required, as indicated below. ~~can be made. These are as follows.~~

- A. *At the Request of the Applicant.* In preparing a rezoning application, the applicant may ascertain that the rezoning request does not comply with one or more of the applicable plan policies and/or the acceptable land use designation provided in map form. and that a plan amendment will be necessary in order to apply for the rezoning. The applicant may request, in writing, a determination directly from Department of Urban Planning and Design staff prior to submitting the rezoning application. A written notice of decision will be provided to the applicant if it is determined that a plan amendment is required.
- B. *Rezoning Preapplication Meeting.* Prior to submitting a rezoning request, applicants are required to attend a preapplication conference. Based on the proposed location of the development and the concept presented by the applicant, Planning staff will provide a preliminary determination on whether or not a plan amendment will be required.
- C. *Application for Rezoning.* Upon submittal of an application for rezoning, the Department of Urban Planning and Design Director has seven working (7) days to determine whether or not a plan amendment is required before the rezoning application is accepted. A written notice of decision will be provided if it is determined that a plan amendment is required.

5.2 Appeal of Plan Amendment Determination. The Department of Urban Planning and Design Director's decision that a plan amendment is required may be appealed to the Mayor and Council. The appeal must be submitted in writing to the Department of Urban Planning and Design ~~Department~~ within ten (10) days of the Department of Urban Planning and Design Director's written notice of decision. Appeals are processed in accordance with procedures set forth in Sec. 23A-62 of the Development Compliance Code ~~the LUC, Sec. 5.4.4.3, Type III Appeal Procedure.~~ An appeal stays all processing until the appeal is heard and decided.

1-08.6.0 **PLAN AMENDMENT PROCEDURES.** Upon determination that a plan amendment is required before a rezoning application can be accepted, the plan amendment request is processed in accordance with procedures set forth in the *LUC*, Sec. 5.4.2.1, Type I ~~5.4.1~~ General Legislative Procedures, and Sec. 5.4.2, Planning Commission Legislative Procedure.

6.1 Neighborhood Meeting. In accordance with Sec. ~~5.4.2.1.B~~ 5.4.1.2 of the *LUC*, the applicant is required to offer to meet with the owners of property surrounding the plan amendment site and other applicable parties, prior to filing a plan amendment application with the City. The offer shall be made at least ten (10) days prior to the date of the meeting. The meeting shall occur at least fifteen (15) and not more than (60) days prior to the submittal of the application. Written notice of the neighborhood meeting must be sent specifically to the following.

- A. The owners of any property that is, at a minimum, within three hundred (300) feet of the subject site. This distance is measured from the property lines, except where a public right-of-way bounds the site. Where the site is bounded by a public right-of-way, the distance is measured from the right-of-way line opposite the site;
- B. All neighborhood groups that are registered with the City and ~~cover~~ represent an area ~~which falls~~ within one (1) mile of the site for which the plan amendment is proposed; and
- ~~C. The original Steering Committee, which assisted in the development of the plan being considered for amendment. The Planning Department shall provide the plan amendment applicant with the names and addresses of all members of the Steering Committee, which worked on the affected plan, for a period of seven (7) years after the adoption or major revision of the plan;~~

~~D.C.~~ The office of the Council Ward(s) in which the subject site is located.

To fulfill plan amendment application requirements, the neighborhood meeting notification letter must be in writing and must include the following.

- A. Notification that the applicant is applying for a plan amendment and, if successful, a subsequent rezoning;
- B. A description of the changes for which the applicant will apply; and a brief description of the proposed project;
- C. The date, time, and location of the meeting; ~~and~~
- ~~D. A statement that comments may be submitted to the Director of the Department of Urban Planning and Design prior to the public hearing, and/or comments may be made verbally or in writing at the public hearing; and.~~
- ~~D.E.~~ The contact person, company, or official applicant's name and phone number.

6.2 Plan Amendment Application Requirements. The plan amendment application needs to be submitted to the Department of Urban Planning and Design between 15-60 days after the required neighborhood meeting has been held, per LUC Sec. 5.4.1.2. The following documents and information shall be submitted upon application. The types of documents and the specific number of copies required of each of the documents is listed in the plan amendment application packet. Two hard copies and one electronic version of the application are to be submitted. The plan amendment application will may not be accepted if any of the required items are omitted.

- A. *Application Form.* The plan amendment application form, which is available at the Department of Urban Planning and Design Department, is to be completed, including the required signatures. If the applicant is not the property owner, a letter from the property owner authorizing the applicant to act as the agent ~~may~~ must be submitted ~~in lieu of the owner's signature~~.
- B. *Fees.* Fees, per Development Standard 1-05.0, shall be submitted with the application. Checks are made payable to the "**City of Tucson.**" Department of Urban Planning and Design Department staff will assist with fee calculations.
- C. *Neighborhood Meeting Information.* Written proof of the offer to meet with the surrounding property owners and other applicable parties must be submitted with the application. Required documentation includes copies of the meeting notification letter, the mailing list, the meeting attendance sheet, and the minutes of the meeting. The minutes should include any concerns raised at the meeting and the applicant's response to them, if any.
- ~~D. *Plan Amendment Request Information.*~~
- ~~1. A description of the section of the plan for which the amendment is requested.~~
- ~~2. A statement by the applicant explaining why this amendment is necessary and how it is consistent with the overall goal(s) of the plan.~~
- ~~3. Proposed new language and/or maps which incorporate this change.~~
- ~~E. *Concept Plan.* In accordance with Sec. 5.4.2.1.C of the LUC, the applicant is encouraged to submit a concept plan of the proposed development, particularly for sites of two and one-half (2½) acres or greater. The availability of such a plan could assist staff and the Planning Commission in the determination of whether the proposed plan amendment would be compatible with the surrounding areas. The concept plan would not be formally adopted through approval of the plan amendment, as the project design would continue to evolve through discussions occurring during the plan amendment and rezoning processes.~~
- 6.3 Requests for Delays in Processing. When requested in writing by the applicant, the Department of Urban Planning and Design Department Director can authorize a delay of the plan amendment process for a maximum of ninety (90) days. Additional delays may be granted but also must be requested in writing by the applicant. The Department of Urban Planning and Design Department Director may delay the amendment process to permit a number of related plan amendment applications to be considered at the same time.
- 6.4 Withdrawal of Application. The Department of Urban Planning and Design Department may withdraw a plan amendment application at the request of the applicant and/or the party who paid the filing fee. Should an application be withdrawn from processing, the Department of Urban Planning and Design Department shall determine the amount of fees, if any, to be refunded, ~~if any are eligible for refund.~~

- 6.5 Planning Commission Study Session. Upon receipt of a request for a plan amendment, the Department of Urban Planning and Design ~~Department~~ Director shall forward the applicant's request to the Planning Commission to be scheduled for study session at the next available date. At the study session, Department of Urban Planning and Design ~~Department~~ staff shall make an introductory presentation to the Planning Commission, including an evaluation of the proposed amendment and how the proposed amendment, if approved, will affect the plan. The applicant shall also make a presentation to the Planning Commission, addressing why this amendment is necessary; how it is consistent with the overall goal(s) of the plan; how it will benefit the area; the proposed new language and/or maps ~~which~~ that incorporate this change; and any other relevant considerations. After discussion of the proposed plan amendment, ~~the members of the Planning Commission may vote to set the item for public hearing before the Planning Commission,~~ or ~~may vote to~~ continue the item for further discussion in study session.
- 6.6 Planning Commission Public Hearing.
- A. *Notification of Public Hearing.* The Department of Urban Planning and Design ~~Department~~ shall provide notice at least fifteen (15) days prior to ~~each~~ the public hearing as follows.
1. By Mayor and Council policy, notice shall be provided to the owners of any property that is located within three hundred (300) feet of the subject site. This distance is measured from the property lines, except where a public right-of-way bounds the site. Where the site is bounded by a public right-of-way, the distance is measured from the right-of-way line opposite the site;
  2. By Mayor and Council policy, notice shall be provided to all neighborhood groups and homeowners' associations that are on record with the City and ~~cover an area which falls~~ represent an area within one (1) mile of the site for which the plan amendment is proposed;
  3. By Mayor and Council policy, notice shall be provided to the original Steering Committee, ~~which~~ that assisted in the development of the plan being considered for amendment. The Department of Urban Planning and Design ~~Department~~ shall notify all members of the Steering Committee, ~~which~~ who worked on the affected plan, of the upcoming public hearings, for a period of seven (7) years after the adoption or major revision of the plan; and
  4. By Mayor and Council policy, notice shall be provided to the office of the Council Ward(s) in which the rezoning site is located.
  5. In accordance with the *LUC*, Sec. 5.4.2.1.F.4A, notice shall be provided by publishing an ad in a newspaper of general circulation at least fifteen (15) days, but not more than thirty (30) days, prior to the hearing date. City staff shall be responsible for getting the ad published in the newspaper. The ad shall include the following information:
    - a. a general explanation of the matter to be considered; ~~and~~
    - b. the date, time, and location where the matter will be considered; ~~and~~
    - and

- c. contact information, if additional information is desired.
- B. *Planning Commission Public Hearing and Recommendation.* As required by LUC Sec. 5.4.2.1-F, one (1) Planning Commission public hearing will be scheduled for subregional, neighborhood, and area plan amendment(s). Prior to the public hearing, the Department of Urban Planning and Design Department Director will forwards a report to the Planning Commission on the amendment. The report will includes an evaluation of the proposed amendment; how the proposed amendment, if approved, will affect the plan; and a recommendation on the proposed plan amendment. After the public hearing(s), the Planning Commission will forwards its recommendation on the proposed amendment to the Mayor and Council as required by LUC Sec. 5.4.2.1.FE.
- C. *Reconsideration.* The Planning Commission may, by majority vote of all members, choose to reconsider a decision made on a plan amendment application, provided the vote to reconsider is made within thirty (30) days of the date of decision. Should the Planning Commission vote to reconsider, the reconsideration must take place a minimum of fourteen (14) days from the date of the vote, unless reconsideration occurs at the same meeting as the original decision. If the reconsideration occurs at a different meeting, all persons noticed for the public hearing before the Planning Commission must be notified prior to the reconsideration. This notification shall include the time, date, and location of the reconsideration. If the Planning Commission's decision is not reconsidered within the specified time period and the decision was to deny, the case shall be closed administratively. If, after reconsideration, the decision is to reaffirm a denial, the case shall be closed administratively immediately after the reconsideration.
- 6.7 Mayor and Council Public Hearing(s). Upon the Planning Commission's issuance of a recommendation, the Department of Urban Planning and Design Department forwards the proposed plan amendment findings and recommendations to the City Manager. The plan amendment case will be scheduled for the required public hearing before the Mayor and Council on the next available agenda. After the public hearing(s), the Mayor and Council may approve, modify, or deny the amendment, or they may refer the amendment back to the Planning Commission for further consideration.
- A. *Notification of Public Hearing.* By Mayor and Council policy, the Department of Urban Planning and Design Department shall provide notice at least fifteen (15) days prior to each public hearing as follows.
1. By Mayor and Council policy, notice shall be provided to the owners of any property that is located within three hundred (300) feet of the subject site. This distance is measured from the property lines, except where a public right-of-way bounds the site. Where the site is bounded by a public right-of-way, the distance is measured from the right-of-way line opposite the site;
  2. By Mayor and Council policy, notice shall be provided to all neighborhood groups that are on record with the City and cover an area which falls within one (1) mile of the site for which the plan amendment is proposed;

3. By Mayor and Council policy, notice shall be provided to all homeowners associations that are on record with the City and cover an area which falls within one (1) mile of the site for which the plan amendment is proposed;
  4. By Mayor and Council policy, notice shall be provided to the original Steering Committee, ~~which that~~ assisted in the development of the plan being considered for amendment. The Department of Urban Planning and Design Department shall notify all members of the Steering Committee, ~~which who~~ worked on the affected plan, of the public hearings, for a period of seven (7) years after the adoption or major revision of the plan; and
  5. By Mayor and Council policy, notice shall be provided to the office of the Council Ward(s) in which the rezoning site is located.
  6. In accordance with the *LUC*, Sec. ~~5.4.2.1.G.15.4.2.2~~, notice shall be provided by publishing an ad in a newspaper of general circulation at least fifteen (15) days, but not more than thirty (30) days, prior to the hearing date. The ad shall include the following information:
    - a. a general explanation of the matter to be considered; ~~and~~
    - b. the date, time, and location where the matter will be considered; ~~and~~
    - c. contact information, if additional information is desired.
- B. *Mayor and Council Public Hearing(s) and Decision.* Upon the Planning Commission's issuance of a recommendation, the Department of Urban Planning and Design Department forwards the proposed plan amendment findings and recommendations to the City Manager. The plan amendment case will then be scheduled for the required public hearing before the Mayor and Council ~~on the next available agenda~~. After the public hearing(s), the Mayor and Council may approve, modify, or deny the amendment, or they may refer the amendment back to the Planning Commission for further consideration.
- C. *Reconsideration.* The Mayor and Council may, by majority vote of all members, choose to reconsider a decision made on a plan amendment application, provided the vote to reconsider is made within thirty (30) days of the date of decision. Should the Mayor and Council vote to reconsider, the reconsideration must take place a minimum of fourteen (14) days from the date of the vote, unless reconsideration occurs at the same meeting as the original decision. If the reconsideration occurs at a different meeting, all persons noticed for the public hearing before the Mayor and Council must be notified prior to the reconsideration. This notification shall include the time, date, and location of the reconsideration. If the Mayor and Council's decision is not reconsidered within the specified time period and the decision was to deny, the case shall be closed administratively. If, after reconsideration, the decision is to reaffirm a denial, the case shall be closed administratively immediately after the reconsideration.

- D. *Appeal of Mayor and Council Decision.* An appeal of the Mayor and Council decision regarding a plan amendment application would be handled by the court system.

6.8 Reapplication. In accordance with Sec. 5.4.2.1 and Sec. 5.4.5.3 of the LUC, Nnew plan amendment applications will not be accepted for any property which had a previous application acted upon by the Mayor and Council within one (1) year of the date of that action, except as follows.

- A. When the application does not involve a request for a zoning district or land use which ~~that~~ was denied;
- B. When there has been substantial change in the use of the property adjacent to the plan amendment site since the previous case was heard; or
- C. When there has been an ownership change on the plan amendment site and a substantially modified development concept is presented.

~~1-08.7.0 INCLUSION OF RELEVANT DOCUMENTATION IN REZONING FILES.~~ When a rezoning case file is opened, Planning Department staff shall place the following documentation in the file on a previous area or neighborhood plan amendment covering any portion of the rezoning site. Relevant documentation includes the following.

- ~~A. The City Manager's Communication to Mayor and Council for the plan amendment application, which includes the City Manager's recommendation to Mayor and Council; the Planning Commission Chair's letter to Mayor and Council indicating the Planning Commission's recommendation; the Planning Director's recommendations to the Planning Commission and the Mayor and Council; and a copy of the plan amendment application, including the concept plan (if submitted).~~
- ~~B. Minutes covering the Planning Commission public hearing on the plan amendment application and Planning Commission action taken. This information shall be documented in the rezoning file only when the Planning Commission decision is consistent with Mayor and Council action regarding the plan amendment application.~~
- ~~C. The relevant pages of the Mayor and Council Administrative Action Report and Summary for Mayor and Council action on the plan amendment application.~~

~~1-08.8.0 DOCUMENTATION OF PLAN AMENDMENT IN PLANNING DEPARTMENT DIRECTOR'S RECOMMENDATIONS ON REZONING CASES.~~ Regarding rezoning cases on sites associated with previous plan amendments, the Planning Director shall prepare a Recommendation in accordance with Sec. 5.4.5.6 of the LUC and forward it to the applicant and the Zoning Examiner not less than fifteen (15) days prior to the scheduled public hearing. Should the Recommendation not be available within the required period of time, the Planning Director shall issue a report containing factual information that has been obtained on the request, in lieu of the full Recommendation, and shall provide staff's analysis and recommendation prior to, or at, the public hearing.

The report or Recommendation, whichever is forwarded to the Zoning Examiner first, shall include, as an attachment, supporting documentary materials related to the Mayor and



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~~Council decision on any area or neighborhood plan amendment covering any portion of the rezoning site. The documentation shall include Planning Commission recommendations on the plan amendment request when they are consistent with the Mayor and Council decision, and the items listed above in Sec. 1-08.7.0.~~

**1-08.97.0 RESPONSIBILITY FOR REVIEW OF STANDARD.** The Department of Urban Planning and Design Department will review this Standard annually, based on the date of publication, or as necessary.

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